

REMARKS

Claims 1-25 currently appear in this application. The Office Action of September 11, 2007, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicant respectfully requests favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Rejections under 35 U.S.C. 112

Claims 13 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

This rejection is respectfully traversed. Claim 13 has been amended to provide antecedent basis for "plural modules." Claim 23 have been amended to recite antecedent basis for the hydraulic diameter.

Art Rejections

Claims 1-16 and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Cyr, European Patent No. 423 964.

This rejection is respectfully traversed. Cyr deals with an apparatus for the decantation treatment of liquid

containing material suspended therein. The apparatus includes a first network of plates or tubes (reference numerals 15 and 9 in Figure 1, for example) and a second network of parallel plates (reference numeral 19) inclined to the horizontal at an angle from 40° to 80° (especially 60°)-see abstract. It appears from figures 5 to 7 that the plates provide an oblique parallelepiped, with these plates being parallel to the inclined faces of the parallelepiped, whereas the corrugation extends parallel to the other faces.

Figure 5 clearly shows that the corrugations extend downwards to the right, and Figure 7 shows that the plates are parallel to the inclined faces. In other words, the corrugations of the se plates extend parallel to the sides of the plates, and the inclination of the corrugations only results from the inclination of the se plates. Thus, the corrugations are not inclined to an edge or side of the plates at a non-zero angle as recited in claim 1.

Claims 1-16 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Biskner et al., U.S. 5,770,895.

This rejection is respectfully traversed. Biskner deals with a granular media filter including media settler assembly. This assembly is placed between a system of baffles and a conventional backwash trough (see abstract). The assembly is referred to as 60 (see Figures 1 and 2) and is

shown in detail in Figures 3-5. In order to control turbulence and for dissipating the local velocities in the liquid flowing upwardly through the flow channels 50 and 52, and to prevent media entrained in the liquid from flowing into the overflow trough 24, two settler assemblies 60 are located on either side of the central trough (column 4, lines 41-45). The settler assembly is comprised of a plurality of plates or sheets 64 of corrugated material. The sheets are placed together in face-to-face relation and fixed together (column 4, lines 57-60) so as to define flow passages 62 extending upwardly but inclined in opposite directions (sentence bridging columns 4 and 5). These opposite directions appear in particular in Figures 3 and 4 with the front plate (left part of Figure 4) comprising channels extending upwardly to the right, whereas the adjacent plate (right part of Figure 4) comprises channels extending upwardly to the left. Thus, the adjacent plates form interconnected channels, with each channel of a given plate being connected with several channels of the adjacent plate. In other words, the corrugations do not form tubes as defined in claim 1.

Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biskner.

This rejection is respectfully traversed. As noted above, Biskner does not disclose tubes formed as defined in claim 1. Therefore, even though the tube and module sizing might be a matter of optimization, since the Biskner apparatus is not at all the same as that claimed herein, Biskner cannot render claims 22 and 23 obvious.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cyr or Biskner in recitation of an attachment means and suspension of the modules.

This rejection is respectfully traversed. As noted above, Cyr discloses an apparatus in which the corrugations on the plates only result from inclination of the plates, unlike the presently claimed apparatus, in which the crests and troughs are inclined to a first edge of the plate at a non-zero angle. Biskner discloses an apparatus in which the corrugations do not form tubes as claimed in the instant application. Zimmerman adds nothing to Cyr or Biskner, because Zimmerman merely discloses attachment members. Combining Zimmerman with either Biskner or Cyr would not lead one to the presently claimed device.

It is noted that the prior art made of record and not relied upon is merely considered to be pertinent to applicant's disclosure.

Appln. No. 10/568,877
Amd. dated December 11, 2007
Reply to Office Action of June 11, 2007

In view of the above, it is respectfully submitted
that the claims are now in condition for allowance, and
favorable action thereon is earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By:



Anne M. Kornbau
Registration No. 25,884

AMK:srd
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\R\RINU\ursel1\Pto\2007-12-10Amendment.doc